

7/15/2023

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

CRIMINAL COMPLAINT**Robert Matthew Evans**Case Number: **2:23- MJ-538**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about July 14, 2023 in Brooks County, in the Southern District of Texas, defendant, **Robert Matthew Evans**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

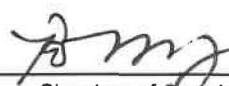
in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Ramon Mendoza Jr.**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:


Signature of Complainant
Ramon Mendoza Jr.
Printed Name of Complainant

July 15, 2023

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

FACTS/DETAILS:

On July 14, 2023, at approximately 1:20 p.m., a white Ford SUV with one visible occupant, the driver, later identified as Robert Matthew EVANS, approached the primary inspection lane at the United States Border Patrol Checkpoint near Falfurrias, Texas. The agent noticed a dog roaming unleashed in the back seat of the SUV. The agent asked EVANS where he was headed, EVANS responded, "I am going to Houston." The agent immediately noticed EVANS adjusted himself from a slouched position to a straight upward position to address the agent. The agent also noticed EVANS to be gripping the steering wheel so tight his knuckles were turning white. The agent asked EVANS if there was anyone else in the vehicle. EVANS responded, "No sir, just me and the dog." The agent asked EVANS if he could lower the rear window to look in the rear of the vehicle, to which EVANS complied. As soon as EVANS lowered the window, the dog came to the window preventing the agent from gaining an unobstructed view of the back seat area. The agent was able to notice a cover on the ground that was preventing a clear view of the floorboard. The agent directed his attention back to EVANS and noticed EVANS' eyes overly wide with his fists overly grasping the steering wheel in a nervous manner. The agent asked EVANS if he would consent to an X-Ray of the vehicle. EVANS responded, "You know bro, I am kind of in a hurry man," while EVANS' head was nearly protruding from the window attempting to be overly eager to comply, which the agent interpreted as deceptive behavior. The agent informed EVANS the X-Ray would only take a minute of his time. At this time, EVANS responded, "Yeah, ok man." EVANS was referred to secondary area for further inspection.

Once in secondary, Border Patrol Agents provided EVANS with instructions on how to proceed through the X-Ray process. During the X-Ray scan of the vehicle, the X-Ray operator noticed several anomalies resembling three concealed human bodies. At this time Border Patrol Agents secured the vehicle and detained EVANS pending further investigation. Border Patrol Agents conducted a search of the vehicle and discovered two subjects in a compartment created by two car jacks and covered by a large mat in the rear of the vehicle. The third subject was discovered underneath the front passenger seat with his torso protruding towards the rear of the vehicle. After brief questioning, Border Patrol Agents determined the three concealed subjects were illegally present in the United States from El Salvador and Mexico. At this time EVANS was placed under arrest for alien smuggling and three concealed subjects were placed under arrest for their illegal presence in the United States.

MIRANDA RIGHTS WARNING:

All subjects were read their rights in their preferred language and signed accordingly that they understood their rights.

DEFENDANT: Robert Matthew EVANS

EVANS stated he was contacted by his friend Sergio approximately two weeks ago to see if he was interested in conducting a job in McAllen, Texas, moving, "burritos." EVANS stated he asked Sergio for \$1,200.00 USD in order to pay his house bills. EVANS stated he asked Sergio if he was going to smuggle drugs or guns. Sergio stated no. EVANS said he flew out of Kansas into McAllen, Texas, on July 13th, 2023. EVANS stated he was picked up at the airport by a heavy-set Hispanic male driving a new, blue in color mustang. EVANS stated the unknown man gave him a cell phone to be in contact with Sergio

while conducting the job. EVANS stated the unknown man took him to a Texas Inn hotel and gave him \$100.00 USD to rent the room. EVANS stated the unknown man advised him; he would be by in the morning to pick him up. EVANS stated the unknown man would knock on the door. EVANS stated he stayed the night and was picked up at approximately 10:30. a.m. by the same unknown man. EVANS stated the unknown man was driving a pick-up truck with no seats and no interior. EVANS stated he was taken to the side of the road, off of a run-down neighborhood. EVANS stated the vehicle he was arrested in arrived and parked behind him. EVANS stated he was instructed by the unknown man to get in the car and start driving to San Antonio, Texas. EVANS stated he was instructed to receive further instructions on the drop-off location via WhatsApp by the unknown man. EVANS stated he moved his backpack, which was taken away the night prior and placed in the car, and noticed a pair of legs protruding from the passenger seat. EVANS stated he knew what he was doing was illegal, he just didn't know what it was. EVANS stated he was going to get paid once he arrived in San Antonio, Texas and drop off the people. EVANS stated he estimates his payment to be \$1,200.00 USD due to it being what he asked for originally.

MATERIAL WITNESS:

DTR

DTR stated he crossed into the United States on Wednesday July 12, 2023, at approximately 2:00 p.m. DTR stated he crossed along with a guide and waited for someone to arrive to pick him up. As a sedan neared their location, the guide instructed him to get into the vehicle. He was transported to a house. When he arrived at the stash house, the other two individuals that were also found in the vehicle were already there. As he arrived at the stash house, he stated the vehicle he was being smuggled in through the checkpoint, was already there. He also stated they were being kept in an outside structure but were allowed to go into the main house for food, water, and to shower. He did not see anyone in the house but felt like someone lived there because it was furnished. On today's date, DTR stated two individuals arrived at the location and began instructing them on where to position themselves. DTR in a photo lineup of 6 different subjects, positively identified subject # 3, Robert Matthew Evans.

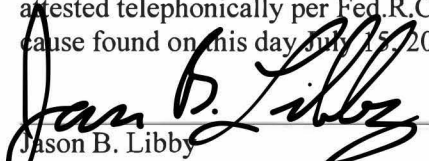
DTR stated Robert Matthew Evans was present when an unknown individual instructed them on where to position themselves in the vehicle. DTR stated they were not given instructions on how to escape in case of an emergency and they were told not to make noise and to be still. DTR also stated his family has paid two thousand dollars to get smuggled to Houston, Texas.

DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney Office who accepted Robert Matthew EVANS for prosecution of 8 USC 1324, Alien Smuggling. DTR will be held as a Material Witness.


Ramon Mendoza Jr.
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day July 15, 2023


Jason B. Libby
United States Magistrate Judge